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PATENT

Attorney Docket No.: 53529-5005-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Karl NOCKA *et al.*

Application No.: 10/005,907

Filed: December 7, 2001

For: **Novel genes associated with allergic hypersensitivity and mast cell activation**

Group Art Unit: 1644

Examiner: P. Huynh, Ph.D.

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AMENDMENT- FEE**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Sir:

AMENDMENT (FEE) TRANSMITTAL FORM

1. Transmitted herewith is an Response to Restriction Requirement responding to the Office Action dated October 7, 2003.

2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, copies of ____ references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$420.00

3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	71	minus	71	0	x \$18/\$9 each =	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	7	minus	7	0	x \$86/\$43 each =	\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$290/\$145	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for <u>2</u> Month Extension of Time						\$ 420.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 420.00

5. Fee Payment

- ☒ The Commissioner is hereby authorized to charge **\$420.00** to Deposit Account No. 50-0310 for a Two-Month Extension of Time Fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: December 9, 2003
Morgan Lewis & Bockius LLP
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RESPONSE TO RESTRICTION REQUIREMENT

This paper responds to the Office Action dated October 7, 2003, the period for response to which is extended to January 7, 2004 by the accompanying petition for a two-month extension of time. Authorization to charge the deposit account of the undersigned to cover the cost of the one-month extension is given herewith.

Remarks including the Response to Restriction Requirement begin on page 2 of this paper.

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